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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/501,828

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Jacobus Petrus Josephus Heemsker

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

DINH, TAN X

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

10/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/501,828	Applicant(s) HEEMSKERK ET AL.	
	Examiner TAN X. DINH	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1) The amendment/preliminary amendment filed **7/10/2008** is acknowledged.

2) The drawings were received on **7/10/2008**. These drawings are acceptable.

3) Claims **1-12** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase " standardized format " (claims 1-12) is indefinite because elements in the art of varying size, dimensions, properties, etc., could all be considered to be conventional, standardized or normalized. The resulting claim(s), therefore, do not clearly set forth the metes and bounds of the patent protection desired.

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

5) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6) Claims *1,2 and 6-9*, as understood by the meaning of 112, 2nd above, are rejected under 35 U.S.C. 102(b) as being anticipated by ROTH et al (5,065,388).

ROTH et al discloses an optical recording medium for storing information in according to a standardized format as claimed in claim 1, comprising:

address data bits indicating a current position of the address information in the preformed track on the record carrier, the address data bits being arranged in accordance with standardized format (Fig.5, P Min, P Sec and P frame); and

pre-recorded error-protection parity bits for enabling a recording device to detect errors in the address data (Fig.2, CRC and Fig.5, CRC);

characterized in that the pre-recorded error-protection parity bits are arranged to deviate from the error-protection parity bits in accordance with the standardized format thereby resulting in incorrect detection of error in the address data by a recording device in accordance with standardized format (Fig.5, CRC. See also column 7, lines 7-20. In this case, the error-detection circuit 72 comprises two error detectors 73 and 74, which on the basis of the error-detection bits CRC in the sub-code Q-frames determine whether read-out of the sub-code Q-frame is effected correctly. The binary

number defined by the sub-code Q-bits of a sub-code Q-frame are then divided by a predetermined polynomial and it is tested whether the remainder of the division is zero. The polynomials used for the two error detectors are different. For example, the error detector 73 employs the polynomial:

$$P(x)=X^{16}+X^{12}+X^5+1$$

prescribed by the CD-standard and the error detector 74 employs the polynomial $p^*(x)=X^{16}+X^{15}+X^5+1$ which deviates therefrom).

As to claim 2, ROTH et al shows the error-protection parity bits are being calculated using a check polynomial that deviates from the check polynomial according to the standardized format (column 7, lines 15-20, lines 53-63).

As to claims 6 and 7, the feature of address information recorded by pre-groove and pre-pits are inherent in CD (compact disc).

Claim 8 adds to claim 1 the feature of reading means for reading the address data bits and the error-protection parity bits present on the record carrier (which is show in figure 6, 65 and 66), error-detection means for detecting errors in the address information and writing means for storing information on the record carrier, wherein the error-detection means are adapted for detecting the errors in the address data bits using the error-

protection parity bits that deviate from the error-protection parity bits according to the standardized format (which is show in figure 6, address signal circuit 70, error detection circuit 72 and error detector 78).

Claim 9 is rejected with the same reasons set forth in claim 2 above.

7) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C.103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9) Claims *4 and 11* are rejected under 35 U.S.C. 103(a) as being unpatentable over **ROTH et al (5,065,388)**.

ROTH et al discloses all the subject matter as claimed in claims 4 and 11, *except to specifically show that* the standardized format is CD-R format and not all the error-protection parity bits are inverted. Official Notice is taken that CD-R having not all of error-protection parity bits inverted are old and widely used in the optical recording art and therefore they are old and well known (see **WONG et al 6,771,570**, column 27, table 15). It would have been obvious to use the old and well known CD-R in a optical recording device such as ROTH et al's because, in the absence of any new or unexpected result, selecting of a known material/element based on its suitability for the intended use is deem obvious. In re **LESHIN**, 125 USPQ 416.

10) Claims *3,5,10 and 12* would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11) Applicant's arguments filed **7/10/2008** have been fully considered but they are not persuasive.

The feature of error-protection code deviates with standardized error-protection code is shown in ROTH et al as

indicated in paragraph (6) above. For that reasons, the claims are still found rejectable.

12) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in **37 CFR 1.136(a)**.

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to **37 CFR 1.136(a)** will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13) Any inquiry concerning this communication or earlier communications from the examiner should be directed to **TAN Xuan DINH** whose telephone number is **(571)272-7586**. The examiner can normally be reached on **MONDAY to FRIDAY** from **9:00AM** to **5:00PM**.

The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the **Patent Application Information Retrieval (PAIR)** system.

Art Unit: 2627

Status information for published applications may be obtained from either **Private PAIR** or **Public PAIR**. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197** (toll-free). If you would like assistance from USPTO customer Service Representative or access to the automated information system, call **800-786-9191** (in USA or Canada) or **571-272-1000**.

/TAN Xuan DINH/
Primary Examiner, Art Unit 2627
September 26, 2008